



BRACKNELL
TOWN COUNCIL

**Sickness and
Absence Policy and
Procedure**

GENERAL PRINCIPLES AND GUIDELINES

Introduction

The Council's Sickness Absence Policy provides the framework and formal guidelines within which managers and staff are required to manage sickness absence. The policy applies to all staff and a copy will be supplied to existing employees and to new staff on commencement. The policy does not apply to absence resulting directly from accidents at work. Entitlement to sick pay is as set out in the individual's terms and conditions of employment.

Aims and Objectives

The overall objective of this policy is to strike an effective balance between the Council's service needs and the need for the employee to be given time to recover from illness. The policy aims:

- to ensure that short and long term sickness absence are dealt with in accordance with best practice, relevant legislation and ACAS Code of Practice
- to monitor the level of sickness absence
- to identify any action which the Council can reasonably take to improve working conditions and promote the health, safety and welfare of staff
- depending on the circumstances of the case to assist the Council and the employee to look at other practical and mutually agreeable alternatives to dismissal on grounds of ill health e.g. changing work load, work organisation or the working environment, reviewing hours, and redeployment (if possible).

Management Responsibilities

Managers are required to treat all cases of staff absence due to illness in a fair, consistent and constructive manner. It is the responsibility of each line manager to monitor the attendance record of all the staff in their team. When an employee returns to work from sickness absence she/he will be seen by their line manager for a return to work interview. The object of this informal meeting will be for the line manager to:

- welcome the employee back
- establish/confirm the reason for the employee's absence and ensure that the appropriate forms have been completed
- find out if the employee has a health problem and, if so, whether there is some support which it would be reasonable and practicable for the Council to provide. If the employee feels unable to discuss their health issue with their line manager, she/he can talk to the Town Clerk who will keep the conversation confidential if the staff member desires.

Information relating to sickness and ill health is sensitive and it is recognised that unnecessary circulation can cause great distress. Managers must therefore take care to ensure that confidentiality is maintained in dealing with cases under this policy and must keep records in a secure, lockable cabinet.

In certain circumstances absence can result in dismissal. However, no employee will be dismissed on grounds of ill health / sickness absence without due warning and without the appropriate procedure having been followed, as laid out in this procedure. In addition, in both frequent absence and long term ill health cases, Council will, in consultation with the employee and their trade union or other representative (as appropriate), thoroughly explore all possible and appropriate alternatives to dismissal.

Where an employee experiences sickness absence as a result of a disability it will be treated

in line with the Disability Discrimination Act 1995. A disabled employee's absence may be related to their disability rather than to illness, e.g. they may require a period of absence in order to manage their disability, to be fitted for a new wheelchair or for treatment. In such cases, where the absence is not related to ill health, the employee will be given disability leave to manage their disability. If an employee becomes disabled or their disability worsens, the Council is under a duty to consider making reasonable adjustments to enable them to continue to carry out their job. This will include considering whether or not it is *reasonable* to make adjustments to working conditions or the workplace. It will also include considering whether it is reasonable to transfer the disabled person to another vacant post if one is available. The Council will allow a person who has become disabled more time off during work than would be allowed to non-disabled employees in order to enable them to attend for appointments and occasional treatment.

Grievance and Discipline

Any employee who feels aggrieved at the way their sickness absence has been dealt with may invoke the Council's Grievance Procedure. Where an employee abuses the sickness policy and procedure (e.g. by not providing certificates, being absent without permission, refusing to comply with this policy) the matter will be dealt with under the Council's Disciplinary Procedure.

SICKNESS ABSENCE

Notification Procedure

When employees are absent due to sickness they must do the following:

1. On the first day of sickness absence they or someone acting on their behalf must contact their line manager, the Town Clerk or a member of staff at Brooke House by 11.00 am giving the reason for their absence and indicating a likely date of their return to work. **Failure to report absence on the first day of absence will result in the loss of that days pay.**
2. Whilst they remain absent due to uncertificated sickness they must keep their line manager informed on a regular basis, at least every other day.
3. On the fourth day of their sickness absence they or someone acting on their behalf must contact their line manager, the Town Clerk or a member of staff at Brooke House by 11.00am giving the reason for their continued absence and indicating a likely date for their return to work.
4. On the eighth day of sickness absence they or someone acting on their behalf must contact their line manager, the Town Clerk or a member of staff at Brooke House by 11.00 am. They must also obtain a medical certificate from their GP or a hospital doctor and send it to Brooke House within two working days.
5. Whilst they remain absent due to sickness they must continue to send in consecutively dated medical certificates and keep their line manager or the Town Clerk informed on a regular (weekly) basis of their progress.
6. On receipt of a certificate stating that they are '*fit to return for some work*' the employee will be required to attend for a meeting with their line manager to arrange for their return to work, taking into account any suggestions made regarding the nature of the work to be undertaken. If the Council is unable to amend their work to meet the requirements of their '*fit*

to return to work certificate they will be deemed as *'unfit'* to return to work and will continue to receive any sickness pay to which they are entitled.

On being fit to return to work employees must immediately complete one of the Council's self certification forms to cover the first seven days of their sickness absence (if not already completed).

For part-time staff sick pay entitlement will only be paid in respect of their contracted hours. There is no entitlement to sick pay in respect of additional hours booked to work. Casual staff have no entitlement to sick pay.

Contacting Employees who are At Home on Sick Leave

Employees on short-term sickness who have followed the reporting procedure will not be contacted at home unless the line manager or Town Clerk can demonstrate urgent or extraordinary circumstances justifying the contact.

Medical Reports

As appropriate and with the agreement of the employee the Council may seek a medical report from the employee's GP or Consultant and refer the employee for an independent medical assessment or to an occupational health unit (OHU).

If it is agreed that a medical report will be sought from the employee's GP, Consultant or OHU written permission will be gained from the employee first. Employees have a right under the 'Access to Medical Reports Act 1988' to see their own medical report before it is given to the Council and to query items in it.

Further to the receipt of the medical report a meeting will be arranged between the line manager, the employee and his or her representative. The purpose of this meeting will be to discuss the response from the employee's GP, Consultant or OHU and for all parties to consider the options available.

FREQUENT ABSENCE

Introduction

Frequent absence refers to cases where an employee is frequently absent from work for relatively short periods stated to be due to sickness. Most employees will have some short-term sickness absence; however it is essential that frequent absence is dealt with promptly and consistently. Line managers are responsible for deciding when to initiate action.

The Council's agreed pre-determined intervention triggers are:

- 3 spells of absence in 3 consecutive months
- 4 separate absences lasting a working week or more within a 12 month period
- Where any unacceptable trend is identified (e.g. repeated absences linked to weekends or other non-work events).

The Informal Stage

The Council believes that it is in everyone's interest for cases of frequent absence to be dealt with quickly and informally. Where the line manager becomes concerned about an employee's level of absence, every effort will be made to resolve the matter informally. Initially the manager will raise concerns with the employee and an informal meeting will be arranged. Both parties will discuss the matter with a view to identifying the reasons for the

absences, ways in which the situation might be improved and what, if anything, the Council can do to support the employee.

The employee should make the manager aware of any relevant factors, such as whether the absence is related to an accident, disability, pregnancy or a medical condition and whether it is likely to be temporary, on-going or long term. The manager should look positively to see if there is anything that the Council can reasonably do to assist the employee. The manager should also make the employee aware that if the situation does not improve it might need to be dealt with under a formal process. If the employee has a health problem which s/he feels unable to discuss with their manager they will be referred to the Town Clerk who will keep the conversation confidential if the staff member desires.

Where the situation does not improve and the manager assesses that formal action is required the matter will be raised initially at Stage 1 of the formal process. Where the sickness absence is clearly of a long-term nature, it will be dealt with under Long Term sickness – see below.

STAGE 1: First Formal Meeting

In arranging this meeting the line manager should:-

- put the reason for the meeting in writing to the employee;
- arrange the meeting at a time that is convenient for both parties, including the employee's representative;
- give the employee at least five working days advance notice of the date, time and place of the meeting;
- inform the employee that the meeting will also be attended by the Town Clerk;
- inform the employee that s/he may be accompanied at the meeting by a trade union or other representative.

At the meeting, the employee will be given an opportunity to explain any circumstances, which might be contributing to their level of absence, or any other matter which they feel should be taken into account. The manager will consider the employee's submission and do one of the following:

- decide that no further action is necessary at the present time
- OR
- specify what, if any, assistance the Council can give the employee
- AND**
- give the employee a specified review period (one to three months) during which the level of attendance must improve.

Within five working days of the meeting, the manager will make a written record of the meeting and give a copy to the employee. If the employee disagrees with the written record s/he should, within a further five working days, write this down and give a copy to the line manager. Both documents will be placed on the employee's personnel file.

At the end of the specified review period the employee's level of attendance will be assessed by the line manager:

If there has been an improvement, no further action will be taken and after a further twelve months the record will be removed from the employee's file and destroyed. Should the employee's absence level deteriorate during this twelve month period the process will be dealt with as below.

Where there has been no improvement the line manager will consider whether there are factors relating to the employee's absence which suggest that the present high level will be temporary. If such evidence exists the line manager will decide whether to institute a further period of review. Where such evidence does not exist the line manager will issue a Verbal Warning which will be recorded on the employee's personal file, and will progress the matter to Stage 2 and arrange a further formal meeting with the employee.

STAGE 2: Second Formal Meeting

In arranging this meeting the line manager should follow the procedure as set out at Stage 1.

At the end of the specified review period the employee's level of attendance will be assessed by the line manager as follows:

If there has been an improvement, no further action will be taken. After a further twelve months the record and the Verbal Warning will be removed from the individual's file and destroyed. Should the employee's absence level deteriorate during this twelve months period the process will be dealt with as below.

Where there has been no improvement the line manager will consider whether there are factors relating to the employee's absence which suggest that the present high level will be temporary. If such evidence exists the line manager will decide whether to institute a further period of review. Where such evidence does not exist the line manager will issue a First Written Warning, progress the matter to Stage 3 and arrange a further formal meeting with the employee.

STAGE 3: Third Formal Meeting

In arranging this meeting the line manager should follow the procedure as set out in Stage 1.

At the end of the specified review period the employee's level of attendance will be assessed by the line manager as follows:

If there has been an improvement, no further action will be taken. After a further twelve months the record, Verbal Warning and the First Written Warning will be removed from the individual's file and destroyed. Should the employee's absence level deteriorate during this twelve months period the process will be dealt with as below.

Where there has been no improvement the line manager will consider whether there are factors relating to the employee's absence which suggest that the present high level will be temporary. If such evidence exists the line manager will decide whether to institute a further period of review. Where such evidence does not exist the line manager will issue a Final Written Warning, progress the matter to Stage 4 and arrange a further formal meeting with the employee where the termination of the employee's contract of employment will be considered.

STAGE 4: Fourth Formal Meeting

- The employee must be informed in writing of the purpose of the meeting and given at least five working days notice of its date, time and place.
- The meeting will be chaired by the Chairman of the Staffing Committee or their deputy and attended by the relevant line manager and by the Town Clerk in an advisory capacity.

- Where the Chairman and Deputy of the Staffing Committee are unavailable, another member of the Staffing Committee will chair the meeting.
- The employee must be informed that s/he may be accompanied at the meeting by a trade union or other representative.

Prior to the meeting the Council will attempt to meet with the employee and her/his representative to explore practical and mutually agreeable alternatives to dismissal. The outcome will be reported to the Stage 4 meeting. At this meeting the line manager will present a historical record of the employee's attendance and absences. The employee will have the right to submit any medical evidence and the Council will have the right to obtain a medical report from the employee's GP, Consultant or an occupational health unit (paid for by the Council). The employee will be given the opportunity to explain the reasons for her/his absences and any mitigating circumstances. The Chairman of the meeting will consider the case carefully and will decide whether or not the employee's employment contract should be terminated on the grounds of incapability due to ill health or poor attendance. If the reason for dismissal is not considered to be Gross Misconduct the employee will be entitled to fully paid contractual (or statutory if longer) notice. The Chairman will inform all parties of the decision and confirm it in writing to all relevant parties within five working days.

If it is decided to terminate the employee's contract, the Chairman will inform the employee at the meeting of her/his right of appeal against dismissal in accordance with the procedure below. The employee will have ten working days from the date of being informed in which to make an appeal.

LONG TERM SICKNESS ABSENCE

Introduction

A period of sickness absence of one month or more is generally considered to be long-term absence. Individuals may be absent on long term sick leave for a variety of reasons (e.g., injury, operation, convalescence from illness, diagnosis of a long term disability, terminal illness, etc.) and any action taken must vary according to the circumstances of the particular case. This section gives broad guidance and establishes standards of good practice.

When a disabled employee is on long-term sick leave directly related to their disability and they are at risk of a cut in pay, the onus will be on the Council to provide convincing justification for not maintaining full pay for the period of absence in accordance with the DDA.

Informal Meeting

Where an employee has been absent for more than two months and there is no identified return date in the near future, the line manager will contact the member of staff to arrange an informal welfare meeting to discuss their current situation and when a return to work can reasonably be expected. The employee will have the right to be accompanied by a trade union representative or friend. The response will determine the next stage in the process, as the options will depend on the individual circumstances. In the event that the employee is too ill to attend the meeting, the manager will seek to obtain the necessary information from them in an appropriate manner e.g. by home visit or via their trade union or other representative. Further information may be sought from the employee's own doctor having sought the employee's consent to do so. If consent is received the doctor will be asked the nature of the illness - the cause and prognosis, the expected period of absence with a likely date of return and what type of work the employee will be capable of on his/her return i.e. will they be able

to resume their normal duties?

Referral to an Occupational Health Unit

If a date for return to work cannot be established the employee will be asked to attend, at the Council's expense, a medical examination at an Occupational Health Unit in order to obtain an expert assessment of her/his fitness for work. The employee will be provided with a copy of the letter to the Occupational Health Unit and a copy of the medical report if they wish to see them. On the basis of the medical report the options are likely to be one of those outlined below.

Fit to Continue in Present Job

If the line manager is advised that the employee is fit to continue in her/his current job in the near future the recommendation will be discussed with the employee as soon as possible. This will be done at a formal meeting attended by the line manager and the Town Clerk, the employee and, if s/he wishes, their representative. The outcome of the meeting will be confirmed in writing by the line manager and placed on the employee's personnel file.

Unfit to Continue in Present Job - Consider Adjustments or Alternative Employment

Whilst the Council is under no obligation to create a specific job for an employee who becomes permanently unfit to undertake her/his contractual duties every effort will be made to make reasonable adjustments or to find alternative employment which is compatible with the medical limitations of the employee. The employee will be asked to attend a formal meeting with the Chairmen of the Staffing Committee, the Town Clerk and the employee's representative so that possible reasonable adjustments or alternative employment can be explored. The meeting will attempt to identify which type of adjustments or jobs at the Council would be suitable for the employee also the feasibility of redeployment. Thereafter, either adjustments will be carried out or an alternative job will be offered. If neither is possible it may be necessary to proceed to dismissal on grounds of capability.

Incapable of Any Work for the Foreseeable Future

Where the medical report from the OHU advises that the employee is incapable of carrying out her/his current job description for the foreseeable future, and reasonable adjustments are not feasible, and where suitable alternative employment cannot be offered, the employee will be asked to attend a formal meeting with the Chairman of the Staffing Committee, the Town Clerk and the employee's representative to discuss the situation and the content of the medical report. The outcome of this meeting will be dismissal on grounds of ill-health and the employee will be entitled to fully paid contractual (or statutory if longer) notice.

Terminal Illness

The Council will approach cases of terminal illness with as much sensitivity and flexibility as possible. Where a line manager becomes aware that s/he is dealing with an employee whose absence is due to a terminal illness, they should seek confidential advice from the Town Clerk and, where appropriate, from the employee's GP, Consultant or an Occupational Health Unit. Each case will be dealt with separately depending, in particular, on the medical prognosis and the possible effect on the employee of terminating her/his employment. If the affected employee wishes the Council will make every effort to facilitate her/him in continuing to work for as long as possible, either on a full or part time basis, or with periods of absence to take rests from work. In such cases, the Council may use its discretion to extend sick pay, as appropriate.

APPEALS

Appeal Against Management Action (except dismissal)

If a member of staff is dissatisfied with any management action taken against them, they may take out a formal grievance in accordance with the Council's Grievance Procedure. The grievance must be taken out within five working days of the action or decision being complained about.

Appeal Against Occupational Health Unit Findings

If a member of staff disagrees with the opinion expressed by the Occupational Health Unit they will be given the option, at their own expense, to obtain an additional expert opinion. Upon receipt of a second opinion, the case will be referred again to the Council's Occupational Health Unit who will be asked to review the original advice in the light of any new information that has been produced. Where there remains a difference of opinion the Council will observe the advice given by the Council's Occupational Health Unit and appropriate management action will be taken as detailed above.

Appeal Against Decision to Terminate Employment

All employees may appeal to the Staffing Committee against the decision to terminate their employment. Appeals must be made within ten working days of the date on which the employee was informed of the dismissal, by writing to the Chair of the Staffing Committee or to the Town Clerk.

Grounds for Appeal

The grounds for appeal may be as follows:

- the severity of the decision;
- a failure to adhere to the agreed procedure;
- new mitigating circumstances.

Format of the Appeal Hearing

Appeal hearings will have the following format:

- the employee or her/his representative will present their case for the appeal;
- the line manager will then present the case against the appeal;
- members of the panel can question both parties in turn;
- both parties will be invited to sum up, with the line manager summing up first.

Three members of the Staffing Committee who have not had any previous involvement with the case will form the Appeals Panel will hear and consider the case. The employee will be informed of the decision in writing within five working days of the appeal being heard. The decision of the Panel is final.